

APPEAL NO. 023245
FILED FEBRUARY 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 2, 2002. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable injury of _____, includes an injury to the right rotator cuff but did not include right carpal tunnel syndrome (CTS) and that the claimant had disability from June 17 through October 6, 2002.

The claimant appeals the hearing officer's determination that a CTS injury is not part of the compensable injury. The respondent/cross-appellant (carrier) appeals the determination that the claimant's right shoulder rotator cuff was part of the compensable injury. Both parties responded to the other's appeal. The parties stipulated that the right shoulder rotator cuff injury, treatment, and surgery caused the claimant's inability to obtain and retain employment at his preinjury wage for the period of June 17 through October 6, 2002.

DECISION

Affirmed.

The claimant, a detention officer, testified that on _____, he was standing on a gravel ramp when he slipped and fell hurting his right side, right arm, and left knee. The claimant's workers' compensation injury report dated October 22, 1998, indicates injury to his left knee, back, and "right side above hip." The claimant saw his family doctor, who noted complaints of right shoulder, right elbow, and left knee pain as well as some intermittent numbness in the right hand on December 17, 1998. The doctor's diagnosis was "Impingement Syndrome [and] Shoulder Pain." The claimant was subsequently referred to an orthopedic specialist in January 1999. The hearing officer's Statement of the Evidence contains a detailed summary of the medical evidence and the claimant's treatment. The hearing officer also notes an event in January 2002 when the claimant attempted to separate two inmates by extending his right arm, which caused his shoulder to become painful.

Neither the evidence at the CCH nor the appeals and responses make clear what the carrier accepted to be the compensable injury. The claimant's appeal and response state that "[t]he carrier accepted that the claimant suffered an injury . . . and paid for treatment to the claimant's right upper extremity during the period from October 1998 through May 2000." Both parties also acknowledge that the hearing officer is the sole judge of the weight and credibility to be given to the evidence, referencing Section 410.165(a).

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We find the hearing officer's decision on the disputed issues to be supported by sufficient evidence and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **SELF-INSURED THROUGH THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF-INSURANCE FUND** and the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR
(ADDRESS)
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Roy L. Warren
Appeals Judge